

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MATTHEW NICHOLAS,

Plaintiff,

vs.

KAREN JENNINGS, NEBRASKA
STATE PATROL, and STATE OF
NEBRASKA,

Defendants.

8:23CV126

**FINAL PROGRESSION ORDER
(FOURTH AMENDED)**

IT IS ORDERED that the unopposed motion to amend the final progression order, Filing No. 45, is granted. The unexpired deadlines in the final progression order, Filing No. 42, are amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings set for October 15 is **continued** and will be held with the undersigned magistrate judge on **December 17, 2024 at 10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

| | |
|-----------------------|-------------------|
| For the defendant(s): | November 1, 2024. |
| Rebuttal: | December 2, 2024. |
- 3) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-

retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the defendant(s): November 1, 2024.

Plaintiff(s)' rebuttal: December 2, 2024.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is January 3, 2025.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is January 21, 2025.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is January 21, 2025.
- 7) Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All other deadlines in the prior case progression orders remain unchanged. Any requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 19th day of August, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge